REMARKS

Claims 1 - 9 remain active in this application. Claim 5 has been amended to improve form. Claim 7 has been amended to include, verbatim, a recitation previously presented in claim 1. No new matter has been introduced into the application.

Claims 1, 3 and 5 have been rejected under 35 U.S.C. §102 as being anticipated by Kitagawa et al. Claim 4 has been rejected under 35 U.S.C. §103 as being unpatentable over Kitagawa et al. in view of "well known prior art (Official Notice)". Claims 2 and 6 - 9 have been rejected under 35 U.S.C. §103 as being unpatentable over Kitagawa et al. in view of Kageyama et al. '619 and Kageyama '757. All of these grounds of rejection are respectfully traversed, particularly since the Examiner has failed to consider the claimed subject matter as a whole as the Examiner explicitly admits at several occurrences.

It is well established that the claimed subject matter must be considered as a whole in determination of either anticipation or obviousness (see, for example, Graham v John Deere, 383 U. S. 1, 148 USPQ 459 (1966)) as is confirmed to be the policy of the USPTO in M.P.E.P. §2141.02. The invention, as claimed, comprises numerous elements *in combination* which support the meritorious function of *allowing the user* of a printer *to specify particular categories of printer errors* which will *either* cause the printer operations to be interrupted or allow the printer operations to proceed in spite of the error *when the error is such that printing can continue in spite of the error*, such as a mismatch of a control code with printer settings such as a font which is not available or conditions such as a paper size or quality

mismatch, collectively referred to in the claims as "other than operable print data, the print operation being performable without change even if the error occurs". Since the complexity of printing operations causes the number of possible errors to be very large, the possible errors are grouped into categories and the user is able to specify whether or not printing is to be interrupted or not in accordance with categories of detected errors. Thus, depending on the category into which a particular detected error falls, where the error does not *require* printing interruption, the user may specify that printing is to be halted so that the user can intervene in error recovery or not, *entirely at the will of the user*. In other words, the invention supports the requirements of a user who wants the printing to be performed precisely as specified (e.g. as to font, paper size and quality and the like as well as the requirements of a user who may wish to print even if the font and/or paper size or quality is not as specified and such a discrepancy is detected as an error. Such a function, not available from Kitagawa et al., allows a user to intervene in an error which might be recoverable by the system itself but where the recovery might result in printing which is more or less at variance with what the user may have intended in a document where the printed images are particularly important or even critical as to conformance with the user's intentions. Conversely, if time is more critical in a printing job, the user may specify that the printing is to proceed unconditionally with or without error recovery by the system and regardless of changes in the printed image that may occur due to the error or any automatic recovery from it.

To support this meritorious function, the invention provides, in combination (emphasis added):

"an error detecting unit that detects a predetermined error during the print operation, the predetermined error occurring when print data inputted into the printing unit is other than the operatable print data, *the print operation being performable without change even if the error occurs*, the predetermined error having a nature;

"a categorizing unit that categorizes the detected *predetermined error* into one of a *plurality of given categories* based on the nature, wherein each of said given categories includes a plurality of different predetermined errors from among the predetermined errors;

"a setting unit that sets *one error recovery method* from among different error recovery methods *for each of a plurality of error categories*, the error recovery methods including an automatic print continuation and a recovery by user's operation;

"a memory that stores a correspondence data indicating the set error recovery method of each error category;

"a method detecting unit that detects an error recovery method *corresponding to the categorized error category* with reference to the correspondence data stored in the memory; and

"an error recovery unit that *executes an error recovery procedure according to the error recovery method* detected by the method detecting unit. (claim 1);

or

"detecting a predetermined error during the print operation, the predetermined error occurring when print data inputted into the printing unit is other than the operatable print data, *the print*

operation being performable without change even if the predetermined error occurs, the predetermined error having a given nature;

"*categorizing* the detected predetermined error *into one of a plurality of categories* based on the nature, each category including a plurality of the predetermined errors;

"setting *one error recovery method* from among different error recovery methods *for each of the plurality of error categories* the error recovery methods including an automatic print continuation recovery and a recovery by user's operation;

"detecting an error recovery method *corresponding to the categorized error category* with reference to a correspondence data stored in a memory; and

"executing an error recovery procedure according to the detected error recovery method." (claim 5);

or, in regard to the interface by which the user may make such selections,

"...the error recovery method selection program *allowing a user to select an error recovery method for each error category* and updates the error recovery method definition file *according to the error recovery method selected by the user*, the error recovery program storing a procedure for, *depending on an error category of a detected error*, automatically executing an error recovery procedure or controlling the display device to display, on the operation guide message window, an error message and *an operation guide message corresponding to the error category so as to prompt the user to input an instruction as to whether to continue printing or*

not..." (claim 7).

Kitagawa et al. is directed to a relevant but substantially different system for controlling a *network* printer. Specifically, as pointed out in column 20, line 64 to column 21, line 27 (a portion of which is relied upon by the Examiner) and column 22, lines 14 - 40, Kitagawa et al. discloses detection of printer errors but classifies them only in regard to whether or not user intervention is *required* for error recovery and, if user intervention is not *required*, proceeds to automatically recover from the error by, for example, supplying required information and retransmitting the print command and information. Therefore, at best, Kitagawa et al. detects *only one category* of *recoverable errors where printing could continue in spite of the error and provides no user control over errors and corresponding error recovery methods*. Nothing whatever is taught or suggested in Kitagawa et al. that allows a *user* to *specify whether or not processing is to be interrupted* upon detection of a *recoverable error* or the error recovery method to be employed.

The Examiner's application of Kitagawa et al. to claims 1, 3 and 5 the Examiner does not even address the "gist" of the invention (which, in any case, would not comply with M.P.E.P. §2141.02) and relies heavily on inference not necessarily supported by the reference or logical and proper assertions of inherency. For example, the Examiner asserts that it is inherent from the detection of an error in Kitagawa et al. both that Kitagawa et al. inherently teaches an error detecting unit (but does not mention the claim recitations that the error detecting unit can discriminate errors where the print operation can continue "*without change*", thus being differentiated from errors from which recovery can be

achieved by supplying different information and repeating the print command) and that any detected error must be due to "non-operable print data".

Similarly, from the disclosure of detecting different errors in Kitagawa et al., the Examiner concludes that Kitagawa et al. adequately teaches detecting "different *categories* of errors when, in fact, Kitagawa et al. only discriminates between recoverable and non-recoverable errors. As pointed out above, the *plural* categories, as claimed, are established in accordance with the invention among errors where the print operations *can* continue without change even if the predetermined error occurs" which is distinct from the *single* category of errors from which recovery can be achieved by sending additional information and re-sending the print job (see column 21, lines 19 - 22).

Likewise, the Examiner infers from the teaching of a *single* automatic recovery method and a displayed requirement for user intervention in Kitagawa et al., that Kitagawa et al. teaches two recovery methods and then further illogically infers that the two methods must be set and thus there must be a means for doing so while claims 1 and 5 actually recite "a setting unit that sets *one error recovery method* from among different error recovery methods *for each of a plurality of error categories*" (and claim 7, as rejected, recites "the error recovery method selection program allowing a user to select an error recovery method for each error category and updates the error recovery method definition file according to the error recovery method selected by the user"). Again, there is only *one invariant* automatic recovery method disclosed in Kitagawa et al. over which the user has no control whatsoever while, as pointed out above, the Examiner has inferred "categories" and failed

to answer their claimed constitution. Further, in regard to claim 4, the Examiner infers from the ability of a user to update certain printer settings (as to which the Examiner takes official notice) that it would be obvious to provide for a user to update "correspondence data" which the Examiner has not shown to even exist, as defined in claim 1, in known printers. Such assertions of inherency or inferences are only proper, particularly in a rejection for anticipation, where such subject matter necessarily and unavoidably flows from subject matter actually disclosed in a reference and such building of inference upon inference, often illogically, while failing to consider the claimed subject matter as a whole, particularly for explicit definition of claim terminology within the claims, is clearly improper. Thus, the Examiner has failed to even address the "gist" of the invention, as claimed, and has failed to make a *prima facie* demonstration of anticipation or obviousness in regard to any claim in the application based on Kitagawa et al.

The deficiencies of Kitagawa et al. to answer recitations of the claims are not mitigated in the least by Kageyama et al. '619 and/or Kageyama et al. '757. In fact, in regard to claim 2, the Examiner explicitly asserts that Kageyama et al. '757 merely "reads on the concept" of a user instruction to continue printing by disclosing re-issuance of a print command. The Examiner is clearly attempting to address the "gist" of particular subject matter and thus fails to address the subject matter of the invention taken as a whole by addressing only a "concept" and by doing so using a teaching which does not answer the plain meaning of the claim terminology. It would seem that a "re-print" command and a "continue" command would be mutually exclusive. In

regard to Kageyama et al. '619, the passage relied upon by the Examiner actually describes a display allowing the user to *initiate* an automatic error recovery procedure and canceling the print operation if the user does not do so within a fixed time. While this teaching may answer, in a very rudimentary way, the recitation of the case in accordance with the invention corresponding to a "user operation recovery" in claims 2 and 6, it does not answer the recitations of these claims in regard to the case of an "automatic continuation print recovery" which explicitly includes display of information concerning the automatic recovery procedure performed. Neither of these secondary references is seen to contain any teaching or suggestion answering "the error recovery method selection program allowing a user to select an error recovery method for each error category and updates the error recovery method definition file according to the error recovery method selected by the user" (claim 7) and the Examiner has not asserted that they do. In regard to claims 8 and 9 the Examiner again indicates Kitagawa et al. to be of only conceptual relevance (e.g. the examples of errors disclosed are not categories of errors since they can be remedied by sending specific data to the printer) and does not demonstrate that the deficiency of Kitagawa et al. to answer explicit claim recitations to be mitigated by either Kageyama et al. reference. The cited passage of Kageyama et al. '757 which the Examiner asserts "talks about paper size", in fact, merely discusses the time required for a user to grasp the nature of an error such as the paper tray for a given size becoming empty.

Therefore, the Examiner has not made a *prima facie* demonstration of obviousness of any claim in the application based on the combined teachings of Kitagawa

et al. and the two Kageyama et al. references. The Examiner has not considered the claimed invention as a whole or even properly considered the "gist" of the invention (which is, in any case, inadequate as enunciated in the M.P.E.P. and applicable precedents) but has effectively ignored or misconstrued explicit recitations contrary to their plain meaning to seek to conform the claimed invention to the references which are incapable of providing the meritorious function of the invention (e.g. in allowing the user to specify certain errors which are otherwise automatically recoverable for halting of printing to allow the user to intervene or to select the error recovery method to be applied to particular categories of errors) or leading to an expectation of success in doing so in the manner and by the apparatus explicitly claimed.

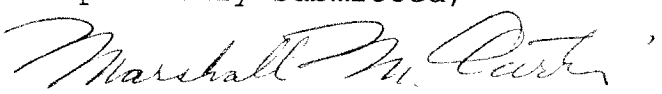
Accordingly, it is respectfully submitted that all three asserted grounds of rejection are clearly in error and untenable and, upon reconsideration should be withdrawn. Therefore, such action is respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of

time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Marshall M. Curtis
Reg. No. 33,138

Whitham, Curtis, Christofferson & Cook, P. C.
11491 Sunset Hills Road, Suite 340
Reston, Virginia 20190

(703) 787-9400
Customer Number: **30743**